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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAROLINA FONTANETA PEREIRA,
a/k/a CAROLINA FONTANETI,

Plaintiff,

-against-

MC2 MODELS MANAGEMENT, LLC and
JEFFERY FULLER, individually,

Defendants.

ORDER
16 CV 8739 (GBD) (KNF)

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

IT IS HEREBY ORDERED that a settlement conference shall be held in the above-captioned action on March 29, 2017, at 2:30 p.m., in courtroom 228, 40 Centre Street, New York, New York.

The parties are directed to review and comply with the undersigned's Procedures Applicable to Cases Referred for Settlement, a copy of which is being provided to the parties with this Order. Additionally, at least seven days prior to the settlement conference, the parties must confer, in person or by telephone, to engage in good-faith settlement negotiations. Should the parties resolve the litigation prior to the conference date, they must notify the undersigned, in writing, expeditiously.

Dated: New York, New York
March 3, 2017

SO ORDERED:

Kevin Nathaniel Fox

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

PROCEDURES APPLICABLE TO CASES REFERRED FOR SETTLEMENT TO MAGISTRATE JUDGE KEVIN NATHANIEL FOX

1. **No later than three (3) business days before the settlement conference,** each party must provide Judge Fox: (1) a pre-conference letter; and (2) a completed attendance acknowledgment form (see Page 3). Both submissions should be sent via facsimile to (212) 805-6712, during regular business hours, 9:00A.M. - 5:00P.M. Parties proceeding pro se need not submit the attendance form, but must provide a pre-conference letter, which they may mail to Judge Fox at 40 Centre Street, Room 425, New York, NY 10007.

2. The pre-conference letter should be no longer than five pages and marked prominently "CONFIDENTIAL MATERIAL FOR USE AT SETTLEMENT CONFERENCE." The letter need not be provided to any other party. The letter should state succinctly: (1) the history of settlement negotiations; (2) the party's evaluation of the settlement value of the case and the rationale for it (not simply an "opening bid"); and (3) any other facts that would be helpful to Judge Fox in preparation for the conference.

3. **Parties – not just their counsel – must attend the settlement conference.** Corporate parties or labor unions must send a person with decision-making authority. Where liability insurance is involved, a knowledgeable representative of the carrier should attend, in addition to the insured.

4. If a party fails to come to the settlement conference with all the required persons, **that party may be required to reimburse all other parties for their time and travel expenses**. Judge Fox only holds one settlement conference, so it is imperative that all parties come prepared on their scheduled date.

5. Parties who are in prison or live more than 100 miles from New York City may participate in the settlement conference via telephone. Parties participating via telephone must be on the telephone for the duration of the conference. A party participating via telephone should call (212) 805-6705 at least five (5) minutes prior to the commencement of the settlement conference. Where more than one party is participating via telephone, it is the responsibility of the parties to coordinate, among themselves, a conference call, in which an operator may be engaged to put parties on hold separately, as Judge Fox directs.

6. At the settlement conference, all parties will be permitted to make a brief presentation summarizing: (1) the issues of fact and law which they regard as dispositive; (2) the most recent offer or demand communicated to the adversary party; and (3) any other matters they regard as material to settlement. Although the merits of the case are relevant to settlement value, the parties are reminded that settlement conferences are not adjudicatory in nature.

7. After all parties have made their brief presentations, Judge Fox will meet separately with each party. In these meetings, the parties and counsel should be prepared to discuss the bases for their stated position, the amount of attorney's fees and litigation expenses incurred to date, if any, and an estimate of the cost of litigating the case to judgment.

8. All settlement conferences are "off the record" and all communications made to Judge Fox in connection with the conference are confidential.

9. A request for adjournment of the settlement conference must be in the form of a joint letter from all the parties, and should suggest alternative dates when the parties are available.

10. If the parties settle their dispute prior to the conference, or if it becomes apparent to the parties that no utility exists in attending the conference, given each party's respective position, the parties must notify Judge Fox, in writing, immediately.

Revised: May 2, 2016

ATTENDANCE ACKNOWLEDGMENT FORM

CASE NAME: ____

DOCKET NUMBER: ____

☐ I acknowledge that I am attending a settlement conference in courtroom 228 at 40 Centre Street, New York, New York on ____________________ at ________ o'clock.

Please provide the name of any co-counsel who will attend the conference with you:

____

____

CHECK ONLY ONE:

☐ I acknowledge that my client will attend the settlement conference.

Please provide the name and title, if applicable, of the client(s) who will attend:

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☐ I certify that my client lives more than 100 miles from New York City, but will participate in the conference via telephone.

Please provide the name and title, if applicable, of the client(s) who will participate:

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________________________ SIGNATURE

________________________ DATE

________________________ NAME (PRINT)